

STATE OF MICHIGAN
IN THE TENTH JUDICIAL CIRCUIT, FAMILY DIVISION

MELISSA JAYNE CALICE,
Plaintiff,

V

FILE NO. 12-017215-DZ-4

RICHARD ANTHONY CALICE JR.,
Defendant.

ORDER REGARDING
CHILD SUPPORT MODIFICATION

A TRUE COPY
Susan Kaltenbach, Clerk

AT A SESSION OF SAID COURT HELD AT THE COURTHOUSE IN THE CITY AND THE COUNTY
OF SAGINAW, STATE OF MICHIGAN, THIS 25th DATE OF SEPTEMBER, 2015.

Present: HONORABLE JAMES T. BORCHARD, CIRCUIT COURT JUDGE

ENTRY OF ORDER

NOW THEREFORE IT IS ORDERED that, pursuant to MCL 552.507 and MCR 3.215 (G) and the Referee's recommendation, this Order is entered as a temporary order and shall become a final order 21 days after the date a copy of this Order is served upon each party. In the event either party objects to the entry of this Order and requests a de novo hearing as provided by statute and court rule, this Order shall remain in effect until the Court holds a final hearing. The party who requests a judicial hearing must serve the objection, state the reason(s) for the objection, with notice of hearing and an alternate proposed order, on the opposing party or counsel in the manner provided in MCR 2.602(B).

Objections must be filed with the Circuit Court Clerk's Office (located in the basement of the courthouse), not with the Friend of the Court Office or the Referee's Office.

A "de novo hearing" means a judicial consideration of the matter based on the record of the referee hearing, including any memoranda, recommendations, or proposed orders by the Referee. Only at the Court's discretion will evidence that was not introduced at the referee hearing be considered.

IT IS ORDERED that support shall be ordered pursuant to the attached Circuit Court Referee Report and the accompanying findings. (Both shall be incorporated by reference in this order).

IT IS ORDERED that both parties must notify the Friend of the Court immediately, in writing, of any changes in the school status of any child after that child's eighteenth birthday, or of any changes in a child's residence at any time child support is effective. Failure to cooperate may result in an order for reimbursement by the child's custodian to the non-custodian for an overpayment of child support.

IT IS ORDERED that the amount of support stated in the Referee findings is based upon the income disclosed by each party to the Referee at the Referee hearing and if either party knowingly and intentionally failed to report, refused to report, or knowingly misrepresented that income at the hearing, then the other party may file a petition for retroactive correction of support pursuant to MCL 552.603b.

IT IS ALSO ORDERED AND ADJUDGED that all other support provisions contained in the previous support orders of this Court and which are not in conflict with the provisions of this Order shall remain in full force and effect.

James T. Borchard

(P27015)

JAMES T. BORCHARD P27015
CIRCUIT COURT JUDGE

Countersigned:

Mary Richard

Deputy Clerk

STATE OF MICHIGAN
IN THE TENTH JUDICIAL CIRCUIT, FAMILY DIVISION

MELISSA JAYNE CALICE,
Plaintiff,

V

FILE NO. 12-017215-DZ-4

RICHARD ANTHONY CALICE, JR. ,
Defendant.

FINDINGS OF REFEREE

Based on the evidence presented by the parties or otherwise obtained, the following Findings are submitted to the Court.

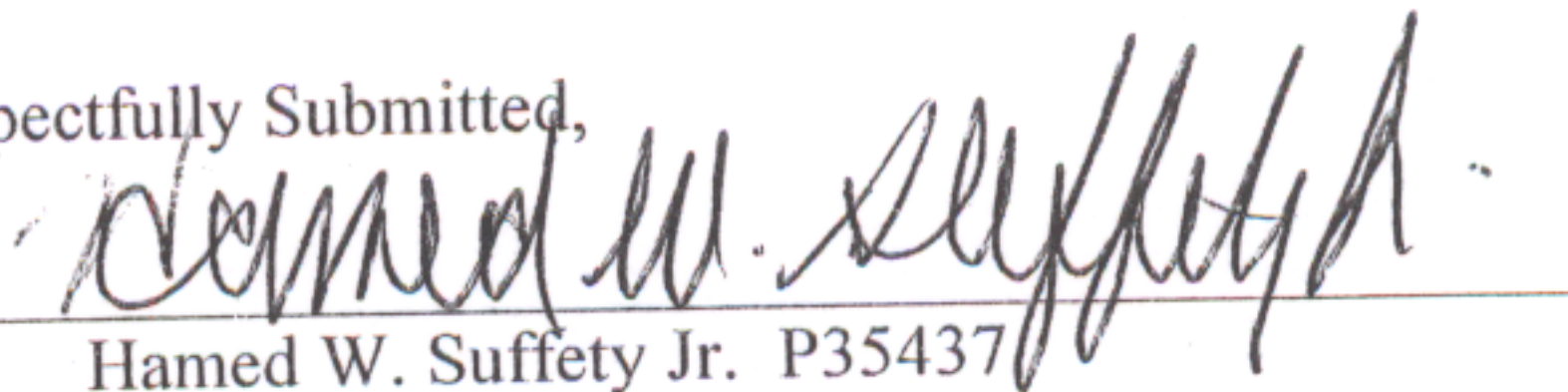
1. An order referring child support and addressing income withholding to the Referee was entered August 26, 2015. Support was to be effective August 12, 2015. A Referee hearing was held September 23, 2015. The plaintiff appeared with her attorney Mr. Timothy McLeod and the defendant also appeared.
2. The plaintiff is married (this matter is still pre-judgment) and has no other minor children. She recently became employed at Delta College as the manager of disability resources August 28, 2015. This is her sole source of income at this time. She submitted her pay stub which covered only one week of pay. However, she did submit a copy of her employment contract. Her salary is \$61,164.00 annually. She has medical insurance that covers her and the two children. The cost is \$248.00 per month. The treatment of these costs pursuant to the formula are addressed at 2013 MCSF 3.05 (C). She also has two mandatory deductions which are for her retirement and retirement healthcare. They each are \$49.02 bi-weekly. She testified that she has child care costs for after school at Hemmeter House. The cost is \$270.00 per month for both children during the school year. These sums are determined reasonable by the Referee. The treatment of these costs are addressed at 2013 MCSF 3.06 (A-F).
3. The defendant has no other minor children. He is employed as a Federal Consultant with the Department of Health and Human Services. He is employed through Catered Occasions LLC and works for a DBA of that company called Borowiecki and Associates. The former is owned by his aunt and the latter is run by his uncle. This employment began in June 2014. He submitted his pay stub for period ending August 31, 2015. He is paid a monthly salary of \$6400.00. This is his sole source of income at this time. He testified that he originally owed back taxes for the tax year 2012. He submitted a document from the IRS dated June 30, 2015 showing he owed \$81,098.31 (he testified that this sum may not include fees and penalties). He had his 401 K seized by the IRS which totaled approximately \$50,000 and his HSA that totaled approximately \$3000.00. This leaves him a balance still owing. He is having a tax levy against his wages for \$1427.28 per month. The Referee will allow this as a deduction since it is a mandatory deduction by the IRS. He has no control over this deduction or the amount. He does not have any current deduction for retirement and no medical insurance. He does pay Maryland state income tax.

4. The parties both testified that they are following the most recent order for parenting time entered November 8, 2013. The facilitator previously determined in that order that this allowed the defendant 80 overnights annually. The Referee will use that figure for this calculation.
5. It is recommended that the defendant pay \$927.00 per month. This was to be effective August 12, 2015 but the Friend of the court charges at the first of the month so this will be effective September 1, 2015. The defendant requested that his income withholding not be reduced even if the support order is reduced. The income withholding will remain at \$1949.50 per month until his child support arrearages are paid in full then they shall be reduced to the ordered amount of current support plus Friend of the Court fees.

The MCSF calculations are attached.

Dated: 9/25/2015

Respectfully Submitted,



Hamed W. Suffety Jr. P35437

Circuit Court Referee

STATE OF MICHIGAN
10TH JUDICIAL CIRCUIT
COURT, FAMILY DIVISION
SAGINAW COUNTY

CHILD SUPPORT RECOMMENDATION
CIRCUIT COURT REFEREE

CASE NO.
2012-017215-DZ
HON. JAMES T BORCHARD

Saginaw Friend of the Court Address:
111 South Michigan Avenue Saginaw , MI 48602

Telephone No. (989) 790-5300
Fax No. (989) 791-3855

Plaintiff's name, address, and telephone no. MELISSA JAYNE CALICE 4580 HENRY SAGINAW, MI 48603
Plaintiff's attorney name, bar no., address, and telephone no. TIMOTHY MCLEOD P29880 820 N MICHIGAN AVE P O BOX 6055 SAGINAW, MI 48608
Plaintiff's source of income name DELTA COLLEGE

V

Defendant's name, address, and telephone no. RICHARD ANTHONY CALICE 10 RINGLEAF CT COCKEYSVILLE HUNT VA, MD 21030
Defendant's attorney name, bar no., address, and telephone no.
Defendant's source of income name BOROWIECKI AND ASSOCIATES LLC

This order is entered after hearing.

The friend of the court/referee/prosecuting attorney recommends child support be ordered as follows.

Attached are the calculations pursuant to MCL 552.505(1)(h) and MCL 552.517b.

IT IS ORDERED, unless otherwise ordered in item 12 or 13: ☐ Standard provisions have been modified (see item 12 or 13):

1. The children who are supported under this order and the payer and payee are:

Payer: Richard Anthony Calice		Payee: Melissa Jayne Calice	
Children's names, birthdates, and annual overnights with payer:			
Children's Names		Date of Birth	Overnights
ROCCO JEFFERSON CALICE		10-17-2006	80
AMELIA JAYNE CALICE		04-25-2008	80

Effective 9-1-15, the payer shall pay a monthly child support obligation for the children named above, pursuant to the Michigan Child Support Formula, unless otherwise ordered in items 12 or 13.

Children supported:	1 child	2 children	3 children	4 children	5 or more children
Base support: (includes support plus or minus premium adjustment for health-care insurance)					
Support:	\$497.00	\$760.00			
Premium adjust:	\$71.00	\$71.00			
Subtotal:	\$568.00	\$831.00			
Ordinary medical:	\$13.00	\$26.00			
Child care:	\$70.00	\$70.00			
Other:	\$0.00	\$0.00			
SS benefit credit:	\$0.00	\$0.00			
Total:	\$651.00	\$927.00			
Support was reduced because payer's income was reduced.					

Uninsured Health-Care Expenses. All uninsured health-care expenses exceeding the annual ordinary medical amount will be paid 57% by Melissa Jayne Calice and 43% by Richard Anthony Calice. Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the friend of the court.

The annual ordinary medical amount for Richard Anthony Calice paying Melissa Jayne Calice is \$357.00 for 1 child, \$715.00 for 2 children.

Obligation Ends. Except for child care, or as otherwise ordered, support obligations for each child end on the last day of the month the child turns age 18. The child-care obligation for each child ends August 31 following the child's 12th birthday. The parties must notify each other of changes in child-care expenses and must additionally notify the friend of the court if the changes end those expenses.

[] **Post-majority Support:** The following children will be attending high school on a full-time basis after turning 18 years of age. Therefore, the support obligation for each specific child ends on the last day of the month as follows, except in no case may it extend beyond the time the child reaches 19 years and 6 months of age: (Specify name of child and date obligation ends.)

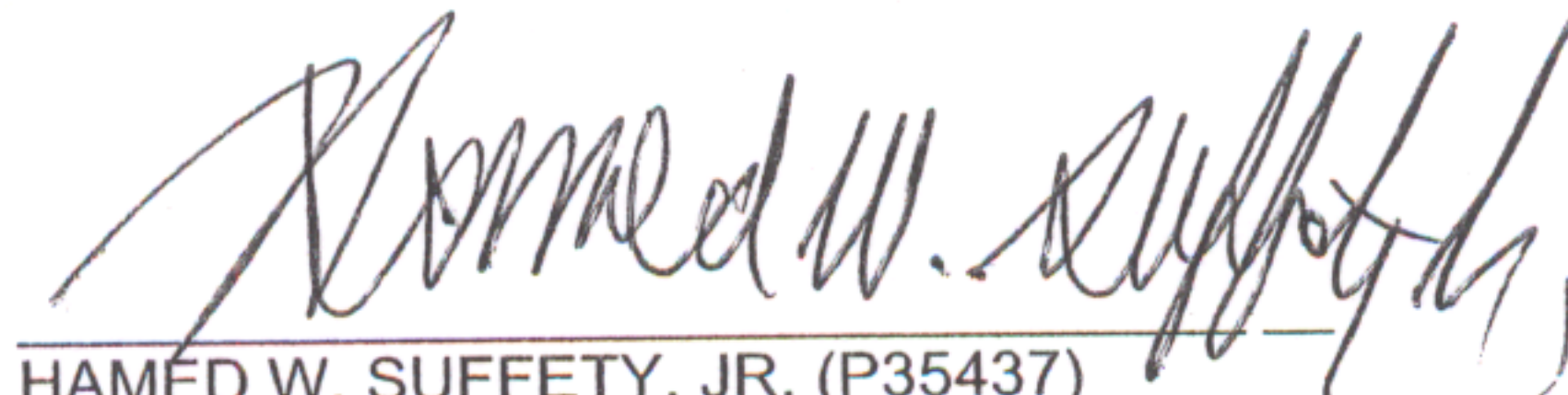
2. **Insurance.** For the benefit of the children, [X] Melissa Jayne Calice [X] Richard Anthony Calice shall maintain health-care coverage through an insurer (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is available at a reasonable cost, including coverage available as a benefit of employment or under an individual policy not to exceed 5% of Melissa Jayne Calice's/Richard Anthony Calice's gross income.
3. **Income withholding.** Income withholding takes immediate effect. Payments shall be made through the Michigan State Disbursement Unit unless otherwise ordered in item 13.
4. **Qualified Medical Support Order.** This order is a qualified medical support order with immediate effect pursuant to 29 USC 1169. To qualify this order, the friend of the court shall issue a notice to enroll pursuant to MCL 552.626b. A parent may contest the notice by requesting a review or hearing concerning availability of health care at a reasonable cost.
5. **Retroactive Modification, Surcharge for Past-Due Support, and Liens for Unpaid Support.** Except as provided by MCL 552.603, support is a judgment the date it is due and is not modifiable retroactively. A surcharge may be added to past-due support. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues in an amount greater than the periodic support payments payable for two months under the payer's support order.
6. **Address, Employment Status, Health Insurance.** Both parties shall notify the friend of the court in writing of: a) their mailing and residential addresses and telephone numbers; b) the names, addresses, and telephone numbers of their sources of income; c) their health-maintenance or insurance companies, insurance coverage, persons insured, or contract numbers; d) their occupational or drivers' licenses; and e) their social security numbers unless exempt by law pursuant to MCL 552.603. Both parties shall notify the friend of the court in writing within 21 days of any change in this information. Failure to do so may result in a fee being imposed.
7. **Foster-Care Assignment.** When a child is placed in foster care, that child's support is assigned to the Michigan Department of Health and Human Services while under the state's jurisdiction and to the funding county while placed in a county-funded program.
8. **Redirection and Abatement.** Subject to statutory procedures, the friend of the court: 1) may redirect support paid for a child to the person who is legally responsible for that child, or 2) shall abate support charges for a child who resides on a full-time basis with the payer of support.
9. **Fees.** The payer of support shall pay statutory and service fees as required by law.
10. **Review.** Each party to a support order may submit a written request to have the friend of the court review the order. The friend of the court is not required to act on more than one request received from a party each 36 months. A party may also file a motion to modify this support order.
11. **Prior Orders.** This order supersedes all prior child support orders and all continuing provisions are restated in this order. Past-due amounts owed under any prior support order in this case are preserved and paid at the rate calculated using the arrearage guideline in the Michigan Child Support Formula.

[]12. **Michigan Child Support Formula Deviation.** The friend of the court/referee/prosecuting attorney recommends support provisions that do not follow the Michigan Child Support Formula. See below for the recommended support amounts, basis for deviation, and required findings.

[X]13. **Other:** (Attach separate sheets as needed.)

It is ordered that the defendants income withholding shall be left at \$1949.50 per month until his child support arrearages are paid in full then it can be lowered to the ordered amount plus Friend of the Court fees.

9-25-15
Date


HAMED W. SUFFETY, JR. (P35437)
CIRCUIT COURT REFEREE

Investigator: Suffetyh

Guideline ID: 1071526
09-24-2015

INCOME CALCULATIONS:

Melissa Jayne Calice

Tax Status: Head of
Household
Tax Exemptions: 3

Richard Anthony Calice

Tax Status: Single

Tax Exemptions: 1

Calculations for Richard Anthony Calice paying Melissa Jayne Calice

Monthly Income	Melissa	Richard	Monthly Ded/Adj	Melissa	Richard
Primary Earnings	\$5,097.00	\$6,400.00	Federal Income Tax	\$444.13	\$1,034.90
			State Income Tax	\$174.12	\$473.73 M
			Social Security Tax	\$389.92	\$489.60
			Employee	\$213.24	\$0.00
			Mandatory		
			Contribution		
			Mandatory	\$0.00	\$1,427.28
			Withholdings		
Gross Income	\$5,097.00	\$6,400.00	Total	\$1,221.41	\$3,425.51

P = Potential Income and Taxes/M = Manually Entered Figures

Retirement Deduction Calculation

Employer Contribution

Melissa

Richard

\$0.00

\$0.00

Employee Mandatory Contribution

\$213.24

\$0.00

Employee Voluntary Contribution

\$0.00

\$0.00

Deductions Comments: MARYLAND STATE INCOME TAX

Melissa

Richard

Monthly Gross Income

\$5,097.00

\$6,400.00

Monthly Deductions/Adjustments

\$1,221.41

\$3,425.51

Monthly Net Income

\$3,875.59

\$2,974.49

SUPPORT CALCULATIONS:

MCSF 3.02(A)

Children in common: 2

Children in common on the docket: 2

MCSF 3.02(B) - General Care Equation applies

Monthly Net Income

\$3,875.59

\$2,974.49

Family net Income

\$6,850.08

General Care Table Amount

\$1,842.63

\$1,842.63

Percentage share (to the 100th percent)

56.58%

43.42%

Support calculated under the General Care Equation

\$1,043.00

\$800.00

Melissa

Richard

BASE SUPPORT:

\$1,043.00

\$800.00

PARENTAL TIME OFFSET - MCSF 3.03

[MELISSA has child(ren) an average of 285 days.]

[RICHARD has child(ren) an average of 80 days.]

Parenting Time Offset Equation calculated amount:

\$0.00

\$760.00

STATE OF MICHIGAN

IN THE TENTH JUDICIAL CIRCUIT, FAMILY DIVISION

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Plaintiff,

V

FILE NO. 12-017215-DZ-4

RICHARD ANTHONY CALICE, JR.,

Defendant.

CERTIFICATE OF SERVICE

On the 25th day of SEPTEMBER, 2015, I served a copy of the Findings of the Referee Re: Child Support Modification and order on the parties to this action or their counsel, by placing same in an envelope bearing the addresses:

MELISSA JAYNE CALICE 4580 HENRY SAGINAW MI 48603

RICHARD ANTHONY CALICE JR 10 RINGLEAF CT COCKEYSVILLE MD 21030

TIMOTHY R. MCLEOD 820 N MICHIGAN AVE P O BOX 6055 SAGINAW MI 48608

With proper postage thereon and then depositing each envelope in the United States Mail.

Mary Richard

Mary Richard CEO 9045
Temporary Certified Court Recorder/
Administrative Assistant

A TRUE COPY
Susan Kaltenbach, Clerk